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Implementation of human rights instruments

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Chairs of the human rights treaty bodies on their 30th meeting, held in New York from 28 May to 1 June 2018, pursuant to Assembly resolution 57/202.

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Report of the Chairs of the human rights treaty bodies on their 30th meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the Chairs of the human rights treaty bodies on their periodic meetings, convened annually pursuant to Assembly resolution 49/178. The present document contains the report of the 30th meeting of the Chairs of the treaty bodies, which was held from 28 May to 1 June 2018. The meeting was convened in New York in the light of the call by the Assembly in its resolution 68/268 for strengthened interaction with States. The Chairs discussed, among other topics, the review by the General Assembly of the human rights treaty body system in 2020 and the alignment of working methods. Leading up to the 2020 review, the Chairs reiterated their commitment to remaining engaged in all stages of the ongoing discussions and issued a statement on the need to formulate a common treaty body-oriented position for the 2020 review. They held consultations with States, United Nations entities and civil society organizations, and met with the Secretary-General and the Deputy Secretary-General. The decisions and recommendations of the Chairs are set out in section VI of the present report.

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I. Introduction

1. The 30th meeting of the Chairs of the human rights treaty bodies was held in New York from 28 May to 1 June 2018. Owing to 28 May being an official holiday at the United Nations in New York, the Chairs met outside the United Nations premises for informal meetings in the morning and the afternoon. In addition, they held eight formal meetings, six of which were public entirely or in part, and which were also webcast for the first time.

2. The meeting is a forum for the Chairs of treaty bodies to maintain communication and dialogue with each other on common issues and challenges.[1] In paragraph 38 of its resolution 68/268, the Assembly encouraged the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.

3. The meetings of the Chairs, convened annually pursuant to General Assembly resolution 49/178, are held on a rotating basis in Geneva, New York and the regions. In 2018, the meeting was held in New York on the basis of the recommendation by the Chairs at their 2017 meeting. That recommendation was made in the light of resolution 68/268 and to strengthen interaction between treaty bodies and States parties in view of the 2020 review of the treaty body system by the General Assembly.[2]

4. The following documents served as background to the meeting:

(a) Provisional agenda and annotations (HRI/MC/2018/1);

(b) Note by the Secretariat on compliance by States parties with their reporting obligations to international human rights treaty bodies (HRI/MC/2018/2);

(c) Note by the Secretariat on identifying progress achieved in aligning working methods and practices of the treaty bodies (HRI/MC/2018/3);

(d) Note by the Secretariat on procedures of the human rights treaty bodies for following up on concluding observations, decisions and views (HRI/MC/2018/4);

(e) Note by the Secretariat on the workshop on the inquiries procedure (HRI/MC/2018/CRP.1);

(f) Note by the Secretariat on the expert meeting on follow-up to treaty body recommendations (HRI/MC/2018/CRP.2).

II. Organization of the meeting

5. The meeting was attended by eight Chairs and two Vice-Chairs, as follows: Noureddine Amir, Chair of the Committee on the Elimination of Racial Discrimination; Dalia Leinarte, Chair of the Committee on the Elimination of All Forms of Discrimination against Women; Jens Modvig, Chair of the Committee against Torture; Ahmadou Tall, Chair of the Committee on the Protection of the Rights

[1] The meeting of the Chairs of the United Nations human rights treaty bodies was first called for by the General Assembly in 1983 in its resolution 38/117. The Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the Chairs of the human rights treaty bodies on their periodic meetings.

[2] For further information on the meetings, see www.ohchr.org/EN/HRBodies/AnnualMeeting.

of All Migrant Workers and Members of Their Families; Malcolm Evans, Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Olga Khazova, Vice-Chair of the Committee on the Rights of the Child; Suela Janina, Chair of the Committee on Enforced Disappearances; Danlami Basharu, Vice-Chair of the Committee on the Rights of Persons with Disabilities; Virginia Bras Gomes, Chair of the Committee on Economic, Social and Cultural Rights; and Yuji Iwasawa, Chair of the Human Rights Committee.

6. The Chairs and Vice-Chairs adopted the provisional agenda and the programme of work of the meeting (see annex I). The Director of the Human Rights Council and Treaty Mechanisms Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Adam Abdelmoula, opened the meeting and welcomed the Chairs. He highlighted the upcoming 2020 review of the treaty body system by the General Assembly and encouraged the Chairs to add their voices to the 2020 review process. He also encouraged them to discuss the independence of treaty body experts and steps taken to implement or operationalize the Addis Ababa guidelines on the independence and impartiality of members of the human rights treaty bodies (A/67/222 and A/67/222/Corr.1, annex I). He underlined the importance of the issue of reprisals and invited the Chairs to discuss the operationalization of the San José guidelines against intimidation or reprisals (see HRI/MC/2015/6) in respect of those who cooperate, have cooperated or seek to cooperate with the United Nations, its representatives and mechanisms in the field of human rights.

7. Mr. Abdelmoula reiterated the strong commitment of OHCHR in its management plan for the coming four years to support the work of the human rights mechanisms. The monitoring and analysis work that treaty bodies do, along with their interactions with States and a wide array of key stakeholders, help to identify strengths and weaknesses in human rights law and how it is applied in practice at the national level. He encouraged the Chairs to use their meeting in New York as an opportunity to increase the visibility of treaty bodies and actively engage in outreach to explain the challenges they are facing, in particular during their meetings with States, United Nations entities, civil society organizations, and high-level United Nations officials.

8. Mr. Amir was elected by acclamation the Chair of the 30th annual meeting, and Ms. Leinarte was elected Vice-Chair on the basis of the established principle of rotation. Mr. Amir thanked the outgoing Chair for her leadership in steering last year's meeting and welcomed participants to the meeting of the treaty body Chairs. He acknowledged the practical challenges of two Committees, the Committee on the Rights of the Child and the Committee on Enforced Disappearances, which were in session during the annual meeting. Mr. Amir underlined that he would do his utmost to preserve and foster the spirit of collegiality, commitment and leadership that had characterized the Chairs' meeting in recent years. Mr. Amir underlined the importance of the contribution of treaty body members in the 2020 review so as to facilitate an outcome that truly strengthened treaty bodies and their impact. On the basis of the parameters the Chairs had laid out in their previous annual meeting, he encouraged the Chairs to go further in that regard and provide their own inputs into the process.

9. The Chairs agreed to designate facilitators for the discussions under the different items of the programme of work, as follows: Mr. Modvig for the discussion on the 2020 review of the treaty body system; Ms. Bras Gomes for the discussion on working methods; Ms. Janina for the discussion on the Addis Ababa guidelines; Mr. Evans for the discussion on the San José guidelines; and Mr. Tall for the discussion on the treaty bodies and the Sustainable Development Goals.

10. A group of civil society organizations organized two side-events in the margins of the 30th meeting of the Chairs, one on follow-up procedures to concluding

observations, decisions and views, and the other on treaty body membership. They also submitted a written statement in advance of the meeting, which is posted, as received, on the OHCHR website.[3]

III. Summary of the discussions

A. General Assembly review of the treaty body system in 2020

11. Mr. Modvig facilitated the session, which included a presentation by the Geneva Academy of International Humanitarian Law and Human Rights of its report on optimizing the United Nations treaty body system.[4] The presentation outlined the report's key recommendations, mainly on the structure of reporting and dialogue with States parties, underlining that the proposals set out in the report built on working methods and practices developed by the various treaty bodies in recent years. The representative of the Geneva Academy stressed that treaty bodies have great discretion over their own working methods, which meant that they could already move towards a more aligned approach and a clustering of dialogues, without waiting for a new resolution from the General Assembly.

12. The discussion that followed addressed the implications of the proposal, including its impact on the human rights situation on the ground and on the effectiveness of the system; the proposed calendar of reviews and its impact of the length of dialogues; the existing reporting cycles established in some of the treaties; and the need to maintain the specificity of certain treaties. Other issues involved the logistical implications of the proposal, including the travel of large delegations to Geneva and the simultaneous availability of the required number of conference rooms. For related decisions and recommendations, see section VI.A of the present report.

B. Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the treaty body system

13. Ms. Bras Gomes, who facilitated the session, referred to the note by the Secretariat on identifying progress achieved in aligning the working methods and practices of the treaty bodies, noting that it provided an excellent overview of the current situation with respect to alignment. The discussion focused on the reporting procedure, list of issues and concluding observations.

14. The Chairs underlined the progress made in the alignment of the working methods and procedures of the treaty bodies, and emphasized that alignment should not be equated with uniformity. The Vice-Chair of the Committee on the Rights of the Child noted that the word limit for lists of issues and concluding observations was very challenging for the Committee to adhere to given the breadth of the Convention. The Chair of the Committee against Torture agreed that lists of issues and lists of issues prior to reporting could be more focused and probably shorter when the simplified reporting procedure was used. The Chair of the Human Rights Committee provided information regarding the ongoing study to assess the effectiveness of the

[3] See http://www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

[4] Geneva Academy of International Humanitarian Law and Human Rights, "Optimising the UN treaty body system: academic platform report on the 2020 review", May 2018. Available at https://www.geneva-academy.ch/our-projects/publications/detail/356-optimizing-the-un-treaty-body-sytem.

simplified reporting procedure, the results of which were scheduled to be made public in July 2018.

15. In follow-up to a joint submission to the meeting, a civil society representative underlined that the treaty body system remained challenging to navigate for civil society. The representative stressed that more efforts to harmonize existing practices were necessary, even if not always easy to implement. While appreciating the advancements made in ensuring the webcast of treaty body public meetings, the civil society representative expressed concern regarding future funding for its continuation and shortcomings in its current provision.

16. A civil society representative underlined a submission to the meeting by 23 non-governmental organizations (NGOs) emphasizing that the ultimate beneficiaries of the treaty body strengthening discussions should be the rights holders. The joint submission focused on existing good practices by treaty bodies in various areas set out in Assembly resolution 68/268 with the potential to make the system more user-friendly, including civil society engagement and methodologies for the adoption of general comments, interactive dialogues, non-reporting States and procedures for following up on concluding observations.

17. The Chairs expressed appreciation for all interventions and suggestions made during the discussion. They underlined that harmonization is not an end in itself and should not be seen as the solution for all the serious challenges facing the strengthening of the treaty body system. For related decisions and recommendations, see sections VI.B and C of the present report.

1. Working methods and practices: follow-up to concluding observations, decisions and views

18. During the discussion facilitated by Ms. Bras Gomes on follow-up procedures, the Chairs had before them a note by the Secretariat on procedures of the human rights treaty bodies for following-up on concluding observations, decisions and views, in which elements regarding a common aligned procedure had been set out for possible endorsement by the Chairs.

19. The Chairs reiterated the importance of follow-up procedures and discussed the common elements as well as the differences in the practices of the various treaty bodies. A number of Chairs indicated that their respective Committees had not yet had the chance to discuss the proposal. The Chair of the Human Rights Committee conveyed the outcome of the discussion in the Committee, including reservations expressed regarding some proposed elements to streamline the follow-up procedures.

20. The Chairs focused their discussion on the time frame for receiving additional information on the implementation of specific recommendations; the number and type of recommendations targeted for follow-up; the criteria for the assessment of the information received from States parties; and the posting of submissions on the Internet.

21. The outcome of the discussion was the endorsement by the Chairs of possible elements of a common aligned procedure for follow-up to concluding observations, decisions and views for all treaty bodies (see annex II). For related decisions and recommendations, see section VI.D of the present report.

2. Reporting compliance by States parties

22. Ms. Bras Gomes also facilitated a discussion on the basis of a note by the Secretariat on compliance by States parties with their reporting obligations to international human rights treaty bodies. The Chairs reiterated their concern that late and non-reporting by States parties continued to undermine the effectiveness of the

treaty body system. The simplified reporting procedure was highlighted as a positive practice that had been implemented by all Committees and that had assisted States parties with their reporting obligations. For related decisions and recommendations, see section VI.E of the present report.

3. Implementation by the treaty bodies of the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines)

23. Ms. Janina facilitated the discussion on how the Addis Ababa guidelines were being implemented by the various Committees. The Chairs emphasized the importance of the nomination and election process by States parties to ensure that independent experts and candidates from diverse backgrounds were elected to the treaty bodies.

24. Civil society representatives raised issues related to treaty body members who were nationals of a country under review, including their presence during briefings by NGOs. The Chairs discussed various approaches and practices in handling perceived or actual conflicts of interest of their members. For related decisions and recommendations, see section VI.F of the present report.

4. Implementation by the treaty bodies of the guidelines against intimidation or reprisals (San José guidelines)

25. Mr. Evans was the facilitator of the discussion on the implementation of the San José guidelines. The Chairs discussed the definition of reprisals; the appointment and role of focal points and rapporteurs, including between sessions; the use of preventive measures, including quiet diplomacy; and the experiences of Committees in coordinating with other mechanisms, including regional mechanisms. It was noted that the Assistant Secretary-General for Human Rights had been designated to lead United Nations efforts to prevent and address acts of intimidation and reprisals against those cooperating with the United Nations on human rights.

26. The Chair of the Committee on Economic, Social and Cultural Rights provided an update on the consultation held on the theme "Enhancing recognition and protection of human rights defenders by treaty bodies", which had been convened in the context of the twentieth anniversary of the adoption by the General Assembly of the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (resolution 53/144, annex).

27. The consultation took place on 22 May 2018 in New York and was jointly organized by the Special Rapporteur on the situation of human rights defenders, Michel Forst, the Assistant Secretary-General for Human Rights, and an NGO, International Service for Human Rights. The main outcome of the consultation was a joint statement by the Special Rapporteur and a group comprising Chairs, Vice-Chairs and members of the treaty bodies.[5] In the statement, they emphasized the role of civil society in the international human rights system, including with respect to access to and the provision of information that is essential to monitoring the implementation of United Nations treaties. They also urged States to take specific measures to safeguard and support human rights defenders.

28. The Chairs discussed, in particular, the role of focal points and rapporteurs between sessions, as practices diverged from one Committee to another. The Chair of the Subcommittee on Prevention of Torture expressed concern about reprisals against

[5] Available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23154&LangID=E.

prisoners, who are not necessarily human rights defenders. This has obstructed the work of the Committee on a number of occasions, including the suspension of one visit in 2017. In that connection, he raised the importance of working closely with national human rights institutions. The Chair of the Committee against Torture highlighted the preventive practice of the Committee in addressing the risks of possible acts of intimidation and reprisals by reminding States parties of their obligations under the Convention. For related decisions and recommendations, see section VI.G of the present report.

5. Inquiries

29. The Chairs welcomed the summary of the discussions and recommendations made during the two-day workshop on inquiries (see HRI/MC/2018/CPR.1).

C. Treaty bodies and the Sustainable Development Goals

30. The discussion on treaty bodies and the Sustainable Development Goals was facilitated by Mr. Tall. Representatives of OHCHR in Geneva and New York provided an update on the latest developments regarding the 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the human rights mechanisms, including recent activities and tools of the capacity-building programme and the engagement with United Nations country teams in respect of follow-up to recommendations.

31. The Deputy Director of the German Institute for Human Rights, nominated by the Chair of the Global Alliance of National Human Rights Institutions to participate in the discussion through videoconference, underlined the central role of national human rights institutions in integrating human rights into the 2030 Agenda, in particular through their focus on structural and process-related indicators.

32. The Chairs underlined that participation and transparency should be key principles in the implementation of the Sustainable Development Goals. They expressed concern about reports of shrinking space for civil society to effectively participate in the implementation of human rights treaties and the Goals at the national and global levels. For related decisions and recommendations, see section VI.H of the present report.

IV. Consultations and meetings

A. Consultation with States

33. The Chairs also held a consultation with States parties. The meeting was attended by representatives of 85 Member States, 2 observer States, 2 regional groups and a number of NGOs.

34. After a brief introductory statement by the Chair of the 30th meeting, the Chair of the Subcommittee on Prevention of Torture gave a general overview of the work of the treaty bodies. Each of the Chairs took the floor to respond to questions from State representatives and highlighted various aspects of their work. The Chairs underlined efforts undertaken in the light of resolution 68/268 and emphasized progress made in the process of aligning working methods. They stated that harmonization was not an end in itself and that the ultimate objective should be to enhance rights protection on the ground. In the run-up to the review of the human rights treaty bodies in 2020, the Chairs indicated that they were closely following the

process and that the inclusion of input from the treaty bodies was crucial to ensuring a positive outcome.

35. A number of States took the floor expressing support for the work of treaty bodies and experts, along with appreciation for the opportunity to engage through these meetings in New York. Several noted the increase in individual communications sent to the treaty bodies and that additional resources should be allocated accordingly.

36. While welcoming progress made in the harmonization of working methods, a number of States emphasized that practices needed to be further aligned and that a systemic approach to working methods that focused on supporting compliance by States would be needed. They encouraged treaty bodies to ensure consistency in the existing modalities for the simplified reporting procedure and to ensure that concluding observations were concise and not duplicative. States also underlined that concluding observations should be focused and implementable and reflect dialogues with States parties. Several referred to the need to have a coordinated calendar for reporting to ensure predictability and reduce duplication. Late and non-reporting by States was also noted as an item of concern.

37. Some States expressed concerns about reported increases in acts of intimidation and reprisals against those who cooperate with the treaty bodies. They encouraged cooperation with the Assistant Secretary-General for Human Rights, who had been designated to lead the efforts within the United Nations system to prevent and address reprisals.

38. A group of States underlined the importance of implementing the Addis Ababa guidelines in a uniform way across Committees. Some States voiced concerns that membership in the treaty bodies is still far from achieving gender and regional balance.

39. A number of States underlined that general comments and follow-up procedures established by certain treaty bodies did not create additional legal obligations. Certain States raised the issue of multilingualism and the impact of working with a reduced number of languages.

40. The Chairs thanked States for participating in the meeting in such numbers, as well as for their engagement and constructive comments. In reply to the questions raised, each of the Chairs addressed a specific theme on behalf of all the Chairs to reinforce the idea that they spoke as representatives of a system, rather than just on behalf of their own treaty bodies.

B. Consultation with United Nations entities

41. The Chairs met with representatives of a number of United Nations agencies and entities. The Chairs acknowledged that, while the treaty bodies had greatly benefited from the oral and written briefings by United Nations entities, increased contributions were needed in the areas of economic, social and cultural rights.

42. Various participants referred to their cooperation with the treaty bodies and explained the different ways in which they engaged with those bodies. The representative of the United Nations Children's Fund (UNICEF) highlighted the work done with the Committee on the Rights of the Child, including through the implementation of the Sustainable Development Goals and the use of general comments as a tool to develop more focused and relevant programmes. Some agencies expressed appreciation of the attention given by many treaty bodies to the issue of migration and the joint initiatives in that area.

43. The representative of the United Nations Development Programme (UNDP) highlighted its work supporting the implementation of the Sustainable Development Goals and its efforts to use international human right standards in advocacy work and to address gaps in the implementation of recommendations. UNDP referred to the reported disparity between the level of implementation of the recommendations made in the context of the Universal Periodic Review and that of treaty body recommendations.

44. The representative of UN-Women underlined the long-standing programming on and support for the implementation of the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women, including through an inter-agency group in existence since 2005.

45. The representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) stated that treaty bodies were a key protection partner for them, including in terms of raising human rights-related issues in relation to displacement and statelessness. The collaboration had been excellent and UNHCR found concluding observations and general comments to be extremely useful in its advocacy with Governments on the rights of displaced persons at both the policy and operational levels.

46. Several Chairs mentioned that they had received limited feedback from United Nations agencies regarding the use they had made of the concluding observations and recommendations and their impact on the ground. Such feedback, when received, was very useful for the treaty bodies in helping them to refine their outputs. UNICEF indicated that it would soon begin to conduct research on the impact that the concluding observations of the treaty bodies had in national systems, including on the provision of services and accountability mechanisms.

47. Several Chairs emphasized that certain treaty bodies did not receive inputs on certain issues, such as women and children with disabilities. The Chair of the Subcommittee on Prevention of Torture noted that the Subcommittee worked very closely with United Nations agencies on the ground and that their engagement with the national preventive mechanisms provided the Subcommittee with valuable feedback on the implementation of its recommendations.

C. Consultation with civil society organizations

48. The Chairs met with a number of civil society organizations. A representative of an NGO welcomed the joint statement made by a number of Chairs, Vice-Chairs and treaty body members in conjunction with the Special Rapporteur on the situation of human rights defenders, and encouraged all treaty bodies to endorse it. The representative highlighted the joint submission by a group of NGOs assessing the level of implementation of their recommendations to the treaty bodies between 2015 and 2017. Reference was made to the fact that two Committees had yet to endorse the San José guidelines.

49. A number of representatives of NGOs expressed appreciation for the more open nature of the Chairs' meeting this year, and the fact that public sessions could be followed through live webcast. NGOs emphasized the importance to civil society of the public sessions of treaty bodies being made accessible through webcast and reiterated their concerns about its funding and continuity. In addition, they expressed their appreciation for the practice of some Committees of allowing civil society to participate in their sessions remotely though video and teleconference.

50. A joint statement on behalf of seven organizations focused on follow-up procedures and the membership of the treaty bodies. The statement highlighted the

importance of ensuring quality, independence and diversity among treaty body members through the promotion of transparent and participatory nominations and electoral processes, as well as the role of multi-stakeholder cooperation in guaranteeing a pool of highly qualified candidates. A representative of an NGO underlined that the follow-up procedures were crucial to treaty bodies maintaining a dialogue with States between the review and the next periodic report, and crucial to supporting them in complying with their obligations under the respective treaties. The need for treaty bodies to streamline their follow-up procedures was stressed.

51. A representative of an NGO reiterated the recommendation that treaty bodies should play a proactive role in the strengthening process, including by engaging with States and appointing focal points.

52. The Chairs responded to the issues raised. They took note of all suggestions made by the civil society organizations and reiterated that some of them may take time and require resources in order to be implemented, while others could be implemented in the short term.

D. Meetings with high-level United Nations officials

53. On 29 May 2018, the Chairs met with the Victims' Rights Advocate, who provided an update to the Chairs on her mandate. She explained that her role was to support an integrated and strategic response, in coordination with United Nations system actors, to assist victims of sexual exploitation and abuse by United Nations personnel, and emphasized the importance of collaboration and engagement with the human rights mechanisms, including the treaty bodies, in that regard. She underlined that accountability remained a challenge. The Chairs provided various examples of instances when the Committees had reviewed countries that were allegedly responsible for those types of violations and recommended that they take measures to protect victims, to guarantee access to justice and adequate redress, and to ensure the implementation of preventive measures. The Victims' Rights Advocate suggested that treaty bodies reflect on the responsibility of troop- and police-contributing States in these areas and encouraged them to raise the issue of prevention, protection and accountability mechanisms in their reviews of States parties.

54. On 1 June, the Secretary-General and the Deputy Secretary-General met with 9 of the 10 Chairs and Vice-Chairs who participated in the 30th meeting. The discussion focused on the important role of the treaty bodies in monitoring the enjoyment of rights by rights holders and the challenges they face. Issues raised included resources limitations and their impact on the capacity of the treaty bodies to fully implement their mandates; the independence of treaty bodies in conducting their work in accordance with their working methods; and that the harmonization of working methods should not be seen as the sole objective against which the treaty bodies are to be evaluated in the 2020 review. The lack of sustainable accessibility services for persons with disabilities was also discussed. The Chairs and Vice-Chairs appreciated the support of the Secretary-General, who acknowledged the challenges faced by the treaty bodies. There was general agreement that the 2020 review should be an opportunity to reinforce rather that weaken the treaty body system. For related decisions and recommendations, see section VI.I of the present report.

E. Strategies for increasing the visibility of the treaty body system

55. A representative of OHCHR gave a briefing on how to increase the visibility and outreach of the treaty bodies. That was followed by a background briefing with the media hosted by the United Nations Correspondents Association. A panel of four

Chairs provided United Nations-accredited media entities with general information about their work and how their outputs should be used, which was followed by a question-and-answer session on various aspects of their work. For related decisions and recommendations, see section VI.J of the present report.

V. Additional issues arising in the work of the treaty bodies

56. While reiterating their appreciation to the General Assembly for its adoption of resolution 68/268, in which it allocated addition meeting time to the treaty body committees, the Chairs expressed serious concern that they were not in a position to ensure the full implementation of the resolution owing to insufficient human resources. In particular, they regretted the decision by the Fifth Committee of the General Assembly to allocate only 5 temporary posts to OHCHR, instead of the 11 posts that had been requested by the Secretary General in view of the assessment of meeting time set out in the report submitted pursuant to resolution 68/268.

57. In this context, it was emphasized that the Human Rights Committee is particularly affected, since it will not be able to use the additional meeting time granted for 2018 for the review of individual communications owing to insufficient staff resources to undertake the preparatory work. It was stated that there were 741 cases pending before the Human Rights Committee. Considering that the Committee was expected to review approximately 23 communications during a one-week session, pursuant to resolution 68/268, it was stated that unless there were a significant increase in the staff capacity of the Petitions Unit of OHCHR to undertake the necessary preparatory work, the backlog in individual communications was bound to grow. It was reiterated that additional meeting time alone, if not accompanied by the corresponding human resources, would not be sufficient to reduce the backlog in individual communications.

58. The Chairs regretted the situation, noting that treaty bodies were accountable to the victims of human rights violations and that the delayed consideration of their cases would be detrimental to the effective protection of their rights.

59. The Chairs adopted the draft decisions and recommendations, which would be part of the report of the 30th meeting *ad referendum*. The Secretariat was entrusted with the finalization of the report. For related decisions and recommendations related to the 31st meeting of the Chairs, see section VI.K of the present report.

VI. Decisions and recommendations

A. General Assembly review of the human rights treaty body system in 2020

60. In the run-up to the human rights treaty body system review in 2020, the Chairs underlined their role in the process and decided to adopt a statement highlighting some basic principles and encouraging the members of the Committees to actively engage in the 2020 review process with a view to developing a common vision (see annex III).

61. The Chairs regretted the budgetary decision by the General Assembly whereby additional meeting time was granted but not the human resources necessary to make full use of it. As a result of that decision, treaty bodies were not in a position to implement all elements of resolution 68/268, which would lead to increased backlogs and protection gaps.

62. The Chairs welcomed the meeting with States as an excellent opportunity to have a productive dialogue and exchange views with delegates based in New York. They appreciated the engagement of States during the meeting and the support expressed by many for the work of the treaty bodies and their role as Chairs. They requested States to ensure adequate resources for the treaty body system, along with the coordination and exchange of information and expertise between delegates based in Geneva and those in New York, including on technical matters related to resolution 68/268 and the upcoming 2020 review.

63. The Chairs took note of the various proposals made by different stakeholders regarding the strengthening of the treaty body system. They discussed the implications of the different proposals in terms of efficiency and effectiveness of the treaty body system, in particular the protection of rights holders and the implementation of recommendations at the national level.

B. Role of the Chairs and Vice-Chairs

64. The Chairs reiterated the encouragement by the General Assembly to the treaty bodies to continue to enhance the role of the Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies across all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods.

C. Working methods

65. The Chairs welcomed the note by the Secretariat on aligning the working methods and practices of the treaty bodies and emphasized the progress achieved in that regard. They underlined that they were currently in the phase of implementation and were embedding changes into day-to-day practice.

66. The Chairs emphasized that the process of aligning working methods and practices was not an end in itself. They recalled that the main intervention of the treaty bodies within the framework of resolution 68/268 aimed at ensuring enhanced rights protection on the basis of increased compliance with State obligations under the human rights treaties.

67. The Chairs discussed the issue of discipline in their use of meeting time during the sessions and agreed that they would enhance efforts within respective Committees to ensure the best possible use of meeting time.

D. Follow-up to concluding observations, decisions and views

68. The Chairs considered possible elements of a common aligned procedure for follow-up to concluding observations, decisions and views for all treaty bodies, and endorsed the proposals set out in annex II to the present report.

E. Reporting compliance by States parties

69. The Chairs welcomed the note by the Secretariat on compliance by States parties with their reporting obligations to the international human rights treaty bodies. They expressed concern about the large number of States whose reports were overdue and the protection gap that that created for rights holders. The Chairs reiterated their call

for universal ratification by States of international and regional human rights treaties and the submission of reports on time.

70. The Chairs also reiterated their appreciation for the efforts undertaken by United Nations country teams in engaging with the work of the treaty bodies. They encouraged the United Nations agencies to continue to provide country-specific information in the context of the treaty body reporting processes, including updates on follow-up to the implementation of concluding observations.

71. For their 31st meeting, the Chairs requested the Secretariat to update the information on the reporting obligations of and compliance by States, in an online format only, through a database available on the OHCHR website.[6]

F. Independence and impartiality of treaty body members

72. The Chairs discussed and exchanged views on the practices in implementing the Addis Ababa guidelines in their respective Committees. They reiterated the importance of the guidelines and recommended that their implementation be further aligned, including by sharing good practices in that regard.

73. The Chairs also reiterated the responsibility of States in nominating and electing experts to the treaty bodies. They emphasized the importance of open, robust and transparent national selection processes.

G. Reprisals

74. The Chairs expressed concern at the reported increase of acts of intimidation and reprisals against of those who were cooperating, had cooperated, or sought to cooperate with the treaty bodies, in particular human rights defenders.

75. The Chairs underlined the importance of enhancing the effective implementation of the San José guidelines, which had been adopted in 2015. They discussed their practices in the implementation of the guidelines, including the role of focal points and rapporteurs. They recommended that those practices be further aligned, including by sharing good practices in that regard.

76. In this connection, the Chairs encouraged focal points and rapporteurs in the various treaty bodies to work together between sessions as needed. They also recommended that treaty bodies make information about reprisals available on their websites.

77. The Chairs reaffirmed their decision, first taken at their 26th meeting, to include reprisals as a standing item on the agenda of the annual meeting of the Chairs. They reiterated their strong interest in strengthening coordination and cooperation with the Assistant Secretary-General for Human Rights in addressing and preventing reprisals.

78. For their 31st annual meeting, the Chairs requested the Secretariat to prepare a paper on the role of focal points and rapporteurs with respect to reprisals against those who were cooperating, had cooperated or sought to cooperate with the treaty bodies, including good practices in that regard.

[6] See http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx.

H. Sustainable Development Goals

79. The Chairs welcomed the update provided by representatives of OHCHR on the latest developments regarding the 2030 Agenda, the Sustainable Development Goals and the human rights mechanisms.

80. The Chairs welcomed the remarks made by the Deputy Director of the German Institute for Human Rights on the central role of national human rights institutions in integrating human rights into the 2030 Agenda, in particular through their focus on structural and process-related indicators.

81. The Chairs encouraged Committees to continue with their efforts to recommend the integration of a human rights-based approach into the Sustainable Development Goals and to address the Goals in their dialogues with States.

I. Meeting with high-level United Nations officials

82. The Chairs and Vice-Chairs welcomed the meeting with the Secretary-General and the Deputy Secretary-General and appreciated the acknowledgement by the Secretary-General of the challenges that treaty bodies were facing, as well as his support.

83. The Chairs underlined the challenge of limited resources and the impact it has on their capacity to do their work in accordance with their mandate. They emphasized that the harmonization of working methods should not be the only element considered during the 2020 review, given that the aim of the treaty body system was increased protection and enforcement of rights for rights holders.

J. Increasing the visibility of the treaty bodies

84. The Chairs expressed their appreciation to the United Nations Correspondents Association for hosting a media briefing about their work on 1 June 2018. They welcomed the opportunity to engage with media entities based in New York and recommended that they keep abreast of the work of treaty bodies and disseminate the outcomes of that work.

K. Agenda and location of the 31st meeting of treaty body Chairs

85. Notwithstanding the existing standing agenda items, for their next annual meeting, the Chairs decided to give priority to the consideration of the upcoming 2020 review of the treaty body system and the elaboration of a common vision for the future. In preparation for the next Chairs meeting, the Committees will need to: (a) dedicate discussion time during their forthcoming sessions; (b) nominate focal points; and (c) interact between sessions.

86. With a view to further aligning their working methods and practices, the Chairs requested the Secretariat to prepare for their next annual meeting documents for discussion on the following issues:

(a) The role of focal points and rapporteurs with respect to reprisals, including a compilation of good practices;

(b) An update on the progress made in the alignment of working methods since the preparation of the note by the Secretariat on aligning the working methods and practices of the treaty bodies, if necessary;

(c) Possible elements of a common aligned procedure for the simplified reporting procedure.

87. The Chairs recalled that, in the light of resolution 68/268, they had decided at their 28th meeting to hold their annual meetings leading up to 2020 in New York. They reiterated their wish to continue strengthening their interaction with member States in New York, United Nations agencies and programmes, senior United Nations officials, including the Secretary-General, and civil society representatives.

Annex I

Provisional agenda and programme of work

Provisional agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system.
4. General Assembly review of the treaty body system in 2020.
5. Follow-up to concluding observations, decisions and views.
6. Reporting compliance by States parties.
7. Implementation by the treaty bodies of the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines).
8. Implementation by the treaty bodies of the guidelines against intimidation or reprisals (the San José guidelines).
9. Treaty bodies and the Sustainable Development Goals.
10. Inquiries.
11. Additional issues arising in the work of the treaty bodies.
12. Other business.
13. Adoption of the report on the 30th meeting.

Programme of work[1]

Monday, 28 May 2018

10:00 to 13:00 (private) and

15:00 to 18:00 (private)

Informal meeting held outside Headquarters owing to the official holiday

Tuesday, 29 May 2018

10:00 to 10:30 (public)

Opening of the meeting

1. Elections of officers
2. Adoption of the agenda and organization of work

10:30 to 11:30 (public)

4. General Assembly review of the treaty body system in 2020, including presentations by stakeholders

[1] The numbering of items follows the provisional agenda (HRI/MC/2018/1).

11:30 to 13:00 (private)

15:00 to 16:30 (public)

Working methods

7. Implementation by the treaty bodies of the Addis Ababa guidelines

8. Implementation by the treaty bodies of the San José guidelines

3. Follow-up to General Assembly resolution 68/268 (see HRI/MC/2018/3)

5. Follow-up to concluding observations, decisions and views (see HRI/MC/2018/4 and HRI/MC/2018/CRP.2)

16:30 to 18:00 (private)

Wednesday, 30 May 2018

10:00 to 13:00 (private)

Working methods (continuation of discussion)

6. Reporting compliance by States parties (see HRI/MC/2018/2)

10. Inquiries (see HRI/MC/2018/CRP.1)

15:00 to 18:00 (public) — Consultations with States parties

Thursday, 31 May 2018

10:00 to 11:00 (public)

9. Treaty bodies and the Sustainable Development Goals

11:00 to 13:00 (private)

15:00 to 16:00 (public) — Consultation with United Nations agencies

16:00 to 17:00 (private) — Consultation with NGOs

17:00 to 18:00 (private)

Friday, 1 June 2018

10:00 to 13:00 (private)

11. Additional issues arising in the work of the treaty bodies

12. Other business

15:00 to 17:30 (private)

17:30 to 18:00 (public)

13. Adoption of the report on the 30th meeting

Closing of the meeting

Annex II

Possible elements of a common aligned procedure for follow-up to concluding observations, decisions and views for all treaty bodies

A. Possible elements of a common aligned procedure for follow-up to concluding observations

The following proposal was endorsed at the 30th meeting of the Chairs:

(a) Concluding observations should identify through a standard paragraph the recommendations for follow-up, with a timeline, without the need for a separate letter or document;

(b) Concluding observations should expressly invite the State party to strengthen implementation, within the ongoing reporting cycle, of all recommendations in the concluding observations;

(c) The recommendations targeted for follow-up should be specific, measurable, achievable, realistic and time-bound. They need to be serious, urgent, protective and implementable within the relevant time frame. This list is not intended to be exhaustive or cumulative;

(d) The number of recommendations for follow-up should be limited, ideally to between two and four;

(e) The time frame for receiving additional information on the implementation of specific recommendations should be either one or two years, depending on the urgency of the issues raised;

(f) One standard reminder should be sent to the State party concerned if a response to the follow-up request has not been received by the due date;

(g) One cycle — The rapporteur, coordinator or committee will evaluate the follow-up submission(s) from the State only once. In the course of such an evaluation or assessment, the rapporteur, coordinator or committee may request additional information or clarification, and the reply thereto will be considered as part of the State party's next periodic report and/or be taken into account in the next dialogue with the State party;

(h) The assessment criteria remain within the purview of the follow-up rapporteur, coordinator or committee. A qualitative assessment of the information provided and of the implementation should be carried out using common categories and benchmarks, ranging from most satisfactory in terms of quality of information provided and action taken to least satisfactory. The assessment of the committee should be made public;

(i) The Secretariat will post submissions on the Internet. A follow-up assessment will be prepared and the Secretariat will send the assessment letter to the relevant permanent mission;

(j) The Secretariat will post on the website follow-up information, including reports of States parties, which are cross-referenced to the concluding observations. Submissions by national human rights institutions, NGOs and other stakeholders will also be posted on a dedicated website. The suggested word limit for each submission is 3,500 words.

B. Possible elements of a common aligned procedure for follow-up to decisions and views

The following proposal was endorsed at the 30th meeting of the Chairs:

(a) Upon transmittal of the views to the State party, there should be a standard paragraph accompanying the views, indicating a time frame for response, which: (i) requests the identification of the domestic authority or contact person specifically in charge of coordinating the implementation of views; and (ii) requests the identification of the competent authority, in particular with respect to the remedy sought by the committee, if applicable;

(b) The time frame for the State party to provide information on measures taken to comply with or follow up on the views should be six months, starting from the date of transmittal of the views to the State party;

(c) The time frame for comments by the author of the communication on the State party's response should be three months;

(d) If the implementation is not satisfactory, there should be a period of 18 months from the date of transmittal, for exchanges between the parties and engagement with State representatives;

(e) Within 24 months after the adoption of the views, the committee should evaluate the status of implementation and provide its assessment. The assessment should be transmitted to both parties and made public;

(f) States parties should systematically be requested to provide updates on implementation during the dialogue (reporting phase), as is currently the practice;

(g) Both the State party and the authors should be informed of the time frame indicated above;

(h) The criteria for closure, or suspension, will be made public;

(i) The dialogue will come to a close if: (i) the implementation is satisfactory; (ii) the Secretariat has lost contact with the authors; or (iii) there is lack of interest on the part of the author in the implementation;

(j) The dialogue will be suspended either: (i) in the case of persistent refusal by the State party to implement and/or refusal to pursue the dialogue; or (ii) if three years have elapsed since the adoption of the views, unless there are particular reasons to continue the dialogue;

(k) The committee should give the reasons for closing or suspending the dialogue in a particular case.

Annex III

Statement in the context of the upcoming 2020 review of the treaty body system

In the light of the 2020 review of the treaty body system by the General Assembly, in accordance with paragraph 41 of Assembly resolution 68/268, the Chairs of the human rights treaty bodies wish to underline that they are closely following the ongoing discussions for the preparation of the 2020 review. They express their readiness to contribute to the review process with a view to ensuring a treaty body-oriented position, which will reflect a vision for the future.

The Chairs see the 2020 review as a good opportunity to provide input into the process of strengthening the treaty body system. They consider this an inherent responsibility emanating from their mandates as well as their right to contribute to the strengthening of the system.

Building on the decisions and recommendations of the 29th meeting of the Chairs in 2017 (see A/72/177, para. 29), the Chairs wish to recall, in particular, the following parameters: (a) strengthened protection of rights holders; (b) preservation of the integrity of the treaty body system and of the independence of both the Committees and their experts; (c) enhanced implementation of treaty obligations and the related recommendations of treaty bodies; and (d) balancing the need for more aligned procedures and working methods with the specific mandates of each treaty body.

In this connection, the Chairs wish to highlight that progress made so far in the process of aligning working methods is tangible, and refer to the note by the Secretariat on aligning the working methods and practices of the treaty bodies (HRI/MC/2018/3), underlining that they will continue their work to further implement and operationalize the alignment of working methods and practices.

The Chairs invite each Committee to consider appointing focal points to facilitate internal discussions within each Committee. They propose that such focal points be mandated to form a working group to interact between sessions, with a view to preparing a common treaty body contribution to the 2020 review.

To contribute to the efforts to build a common treaty body-oriented position, a draft list of questions and topics has been prepared and will be shared internally with Committees for discussion.